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fox who lost his tail in a trap, and wonders whether the plea may not be an endeavor to make fashionable the bob-tailed names that have unfortunately, here and there, got into print.

Then there are "reformers" who would discard a well established name because it is inappropriate. No policy can be more mistaken. What difference does it make if a Purple Finch is not purple or the Louisiana Tanager is not found within the present day boundaries of Louisiana? There is hardly a name on the list that would not be subject to removal if everybody's whims were consulted. Let us at least strive for stability in vernacular names and accept those that have grown into general use. Even modern *Junco* and *Vireo*, like some generic names in botany, have gained vernacular recognition.

In the promised new edition of the Check-List we hope to see subspecific popular names as sharply differentiated as are the subspecific trinomials. *Every* race of the Song Sparrow or Brown Creeper or California Jay or Hairy Woodpecker ought to have a trinomial popular name if our list is to be uniform. It will require some ingenuity to meet the details of this problem, but now that the trinomial has come home to roost, the consequences must be met, and the awkward inconsistencies of the old Check-List overcome. It won't do to say "Western Savanna Sparrow" for one race and "Bryant's Marsh Sparrow" for another. In such cases there is room for real reform of a kind that is neither reactionary nor subversive of names that have become household words. Our Check-List must be popular if it is to retain its authoritative position as to vernacular names and the utmost conservatism is necessary if it is to keep in touch with the rank and file of the army of people who take a deep interest in North American birds.

*New York City.*

## NEST OF THE DUSKY POOR-WILL (*PHALAENOPTILUS NUTTALLI CALIFORNICUS*)

By JOSEPH MAILLIARD

WITH ONE PHOTO BY THE AUTHOR

MY acquaintance with the Dusky Poor-Will, slight at the time and but little closer now, commenced away back in the very early seventies, when as a small lad I used to hunt for game of any sort on the back ranges of the Rancho San Geronimo, sometimes flushing one of these singular birds among the short brush on the rocky hills, or, perhaps, when in camp hearing their plaintive call at dawn or dusk.

Speaking of their call I would like to relate an incident that happened in connection with it. On our ranch is a spot marked on the old maps as "Hunters' Camp," from whence many a large shipment of venison had been made to the San Francisco markets in early days, and even now the best spot in the vicinity for a hunting camp. In the summer of 1876, if my memory serves as to date, my college chums assisted in the building of a log cabin on this spot where we could keep our blankets and cooking utensils and run up to from time to time for a little outing. While building the cabin I had noticed that on two or three evenings in succession a Dusky Poor-Will had commenced to call (to his mate?) at exactly eight o'clock. It happened that the only watch in camp stopped one day, from not having been

wound up the night before, and we were at somewhat of a loss just when to be hungry. But that evening the first call of our friend the poor-will reminded me of his recent regularity and the watch was set at eight o'clock. It happened to be foggy on that particular evening, and on returning to civilization we found the watch ten minutes fast. Yet that was near enough to get hungry by—*in camp*.

Tho rather an oldish boy now, and gray haired to boot, I have never gotten over the deer hunting habit, nor lost interest in flushing a Poor-Will. And yet in all these years, and in all the hunting—for game, cattle and poachers—on the ranges of the Rancho San Geronimo it has never been my good fortune to come across a nest of these birds until July 22nd of this past year (1908). A few days before—on July 14th, to be exact—my brother and I, with a couple of friends, established ourselves in the old camp for a week's enjoyment of out-of-door life



EGGS AND NESTING SITE OF DUSKY POOR-WILL

with a little hunting and collecting as an added zest. Just at dusk on the evening of the 19th, as I was returning to camp along the top of a rocky ridge a Dusky Poor-Will flushed from among some fragments of serpentine rock in a spot from which we had burnt the low, scrubby manzanita brush the previous winter, but, supposing the bird was feeding at the time, I thought nothing of the occurrence, especially at such a late date in the season.

On the morning of July 22nd we broke camp, hunting a little on the way home. While standing on a rock overlooking a long canyon, one of our ranch foremen, passing along a trail about two hundred yards behind me, called out that he had something to talk about and started across the rocky ground thru the burnt brush to come to me. I started to meet him and when we were about 60 yards apart I

saw a Dusky Poor-Will fly up just in front of him and about where one had flushed on the evening previously mentioned. The foreman called out, "Did you see that funny-looking bird?" and a second after as he took another step he exclaimed, "Hello! Here's some white eggs!" Not having had such good fortune in all these many years as to find a nest of these birds it was an interesting moment, and a great fear possessed me that the eggs might be those of some belated pair of Mourning Doves, and that the Poor-Will having been in close vicinity to them was a mere coincidence. A look at the eggs, however, was very reassuring, but to be absolutely positive it was necessary to hide and await the parent's return. This was not a very tedious wait in this case as the female soon appeared and settled most satisfactorily upon her eggs. Having a camera with me I carefully studied how to get her on a plate, but this seemed a hopeless task. She would let me approach to about twelve feet, but that was all. On account of the low rocks near her nest there was only one side from which an exposure could be made.

The weather was foggy, to say nothing of a strong wind, and as no shadows were cast the negative was bound to be flat, with rocks and ground of about the same light values. Despairing of getting anything better under the circumstances I took the best exposure I could make and then "collected" the set. Upon developing these negatives they were found to be extremely flat, as was expected, so, two or three days later—the first day, in fact, that leisure permitted—I rode up on the ridge with the blown eggs, carefully packed you may be sure, prints of the best negatives, and my camera, to try to improve on the first lot.

Replacing the eggs exactly as they were originally I tried for some time to get something more satisfactory. It was again foggy and windy—the fog condensing on the lens of the camera when focusing—and but little could be done in the way of improving over the first attempts. In reality the rock behind the eggs stands up some three feet, the eggs being at the base of it, with two good-sized stones lying in front of them; but the prints all give an impression of an almost flat surface, gently sloping backwards. In the afternoon the sun would have been in the camera's eye, if the fog cleared away, and the wind very strong, so the morning was the only chance for an exposure. Even at six feet, supposing the bird would have allowed so close an approach, it is extremely problematical if she would have been discernable in a negative, as she was just about the color of the charred leaves and small stones surrounding her.

The cut shows a few straws of dry grass a little distance away from the eggs. This is the only semblance of a nest there was. The eggs were placed upon the bare fragments of rock and these straws seemed rather to have been pushed out of the way than brought together for any purpose. The incubation of this set was about one-third along. Query: was this a second set, the first having been destroyed? Or is this the customary date of breeding of this bird in the locality?

*San Geronimo, California.*

## NOTES ON THE CALIFORNIA BLACK RAIL

By FRANK STEPHENS

MANY years ago Mr. H. W. Henshaw told me that he had been informed that California Black Rails (*Creciscus coturniculus*) were sometimes common in the salt marshes around San Diego Bay. In our conversation Mr. Henshaw seemed to be under the impression that these Rails were but migrants at San Diego and that they were most likely to be found very late in the autumn.